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7 BENJAMIN KOHN,
8 Plaintiff,
9 v.
10 STATE BAR OF CALIFORNIA, et al.,
11 Defendants.
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Case No. 20-cv-04827-PJH

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28 **ORDER RE: MOTION TO FILE
AMENDED COMPLAINT**

Re: Dkt. No. 30

Before the court is plaintiff Benjamin Kohn's ("plaintiff") motion for leave to file a first amended complaint. Dkt. 30. On August 10, 2020, defendants filed and served a motion to dismiss plaintiff's initial complaint. Dkt. 22. Federal Rule of Civil Procedure 15(a)(1)(B) permits a plaintiff to amend his pleading once as a matter of course within 21 days after service of a motion under Rule 12(b). On August 31, 2020, plaintiff filed the instant motion, rather than simply filing an amended complaint under Rule 15. Plaintiff also appears to include his amended complaint as part of the motion, (Dkt. 30 at 2–31), although it is unclear whether plaintiff intends this as his operative amended complaint or as an exemplar of what he would file if the court were to grant his motion.

Because time is of the essence given the pendency of the October California Bar Exam, the court construes plaintiff's motion as a notice of intent to file an amended complaint. Given that such notice was timely filed under Rule 15(a)(1)(B), plaintiff may refile his amended complaint **as a separate docket entry** without leave of court.

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1 Incidentally, the court **TERMINATES** as moot plaintiff's motion.

2 **IT IS SO ORDERED.**

3 Dated: September 5, 2020

4 /s/ Phyllis J. Hamilton

5 PHYLLIS J. HAMILTON
6 United States District Judge

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United States District Court
Northern District of California